

Claim 18 (original). The fabric softening composition of claim 10 which further comprises a perfume.

Claim 19 (canceled).

REMARKS

Reconsideration of the rejection of record is requested in view of the amendments to the specification and claims and in view of the following remarks.

The Examiner's rejection under 35 USC 112 is now moot in view of the cancellation of claim 19. Claim 19 has been canceled without prejudice to further prosecuting this claim in a continuation application.

Claims 1-9 are rejected under the doctrine of obviousness-type double-patenting over U.S. Patent 6,620,777.

Claims 1-18 are rejected under the doctrine of obviousness-type double-patenting as being unpatentable over co-pending application No. 10/320,067.

Applicants respectfully request that the rejections under obviousness-type double-patenting be deferred until the Examiner indicates that there is allowable subject matter. At such time the double-patenting rejections will be addressed and overcome.

Claims 1-18 are rejected under 35 USC 103 as being unpatentable over DE 4313085 A1. The Examiner refers to the abstract of this reference in German and states that it discloses an aqueous dispersion of quaternary ammonium compounds which are useful as fabric softeners.

The Examiner refers to various disclosures in the cited reference including the presence of a cationic homopolymer, emulsifiers such as quaternized fatty acid esters of triethanolamine among others. The Examiner notes that the reference does not disclose the addition of perfume to the disclosed compositions. The examiner then argues that the presence of perfume is common in the fabric softening art and is, therefore, an obvious expedient.

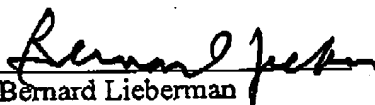
Applicants traverse this rejection under 35 USC 103 as being based on reference which is fatally flawed. Applicant's invention is based on the discovery that the particular combination of cationic softener, the described polymeric thickener and a perfume results in the unexpected delivery of fragrance to the treated fabrics. The absence of perfume from the cited reference disqualifies this reference as a meaningful disclosure. The reference in effect, fails to disclose or

suggest the very crux of applicant's invention. It is, therefore, requested that the rejection under 35 USC 103 be withdrawn.

In view of the above, applicants submit that the present claims are in condition for allowance. An action passing this case to issue is respectfully requested.

Any fee due with this paper may be charged to Deposit Account No. 03-2455. Any overpayment may be credited to Deposit Account No. 03-2455.

Respectfully submitted,


Bernard Lieberman
Reg. No. 26,194

CUSTOMER NUMBER 23909
PHONE: (732) 878-7151
FAX: (732) 878-7660
DOCKET NO.: 6607-02